

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

THOMAS A. SEAMAN, Federal Equity  
Receiver for Medical Provider Financial  
Corporation III,

Plaintiff,

v.

ROBERT J. AQUINO, M.D., an individual;  
and DOES 1-100,

Defendant.

Case No. 2:11-cv-00571-RLH-VCF

**ORDER GRANTING  
APPLICATION FOR DEFAULT  
JUDGMENT AGAINST DEFENDANT  
ROBERT J. AQUINO, M.D.**

This matter came before the Court on the Application for Default Judgment Against Defendant Robert J. Aquino, M.D. (the "Application") filed by Plaintiff Thomas A. Seaman, Federal Equity Receiver for Medical Provider Financial Corporation III. [Dkt. No. 20.] The Application was supported by the Declaration of Thomas A. Seaman in Support of Application for Default Judgment Against Defendant Robert J. Aquino, M.D. and the Declaration of Michael R. Brooks, Esq. in Support of Application for Default Judgment Against Defendant Robert J. Aquino, M.D. [Dkt. Nos. 21 and 22, respectively.]

The Court has considered the papers and pleadings on file herein and good cause existing therefore, the Court finds and orders as follows:

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1 THE COURT FINDS that the Default of Defendant Robert J. Aquino, M.D. was properly  
2 entered by the Court Clerk.

3 THE COURT FIND that Defendant Robert J. Aquino, M.D. is not in the military service  
4 of the United States and is not an infant or incompetent person.

5 THE COURT FINDS that Plaintiff does not seek judgment differing in kind from or  
6 exceeding the amount demanded in the Complaint.

7 THE COURT FINDS that consideration of the factors enumerated in *Eitel v. McCool*,  
8 782 F.2d 1470 (9th Cir. 1986), demonstrates that Plaintiff is entitled to default judgment.

9 IT IS HEREBY ORDERED that Plaintiff's Application for Default Judgment Against  
10 Defendant Robert J. Aquino, M.D. is granted.

11 IT IS FURTHER ORDERED that Plaintiff is entitled to recover from Defendant Robert  
12 J. Aquino, M.D. damages for breach of contract as follows:

13 1. Unpaid principal balance in the amount of \$16,444,835.65, plus interest accruing  
14 at the legal rate from the date of entry of this Order;

15 2. Accrued unpaid interest in the amount of \$9,521,125.93, plus interest accruing at  
16 the legal rate from the date of entry of this Order;

17 3. Unpaid late fees in the amount of \$205,401.89, plus interest accruing at the legal  
18 rate from the date of entry of this Order;

19 4. Attorney's fees in the amount of \$ 17,835.50, plus interest  
20 accruing at the legal rate from the date of entry of this Order; and

21 5. Costs of suit in the amount of \$752.42, plus interest accruing at the legal rate from  
22 the date of entry of this Order.

23 IT IS FURTHER ORDERED that the Court Clerk shall enter judgment in favor of  
24 Plaintiff Thomas A. Seaman, Federal Equity Receiver for Medical Provider Financial  
25 Corporation III, and against Defendant Robert J. Aquino, M.D.

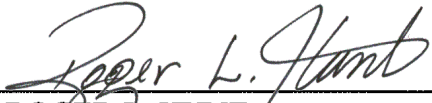
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1 IT IS SO ORDERED.


2 DATED this 14th day of November, 2011.

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7 ROGER L. HUNT  
8 UNITED STATES DISTRICT JUDGE

9 Submitted By:

10 BROOKS BAUER LLP

11 By: /s/Regina A. Habermas, Esq.   
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